

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JANE F. SULLIVAN,

Plaintiff,

v.

STATE OF WASHINGTON, et al.,

Defendants.

No. CV-96-3179-FVS

ORDER DENYING MOTION FOR
RECONSIDERATION AND
DENYING MOTION TO APPOINT
COUNSEL

THIS MATTER comes before the Court without oral argument based upon Jane F. Sullivan's motion for appointment of counsel and for reconsideration of the order dismissing her claims. Ms. Sullivan is representing herself.

BACKGROUND

On February 24, 1997, the Court dismissed Jane F. Sullivan's pro se claims against the defendants. Ms. Sullivan did not file a notice of appeal. On October 26, 2009, she filed a two-part motion seeking both appointment of counsel and reconsideration of the Court's 1997 order dismissing her claims.

RULING

Ms. Sullivan's motion for reconsideration is governed by Federal Rule of Civil Procedure 60(b). Since she waited over one year from entry of the 1997 order to seek reconsideration, she is entitled to relief only if she falls within the scope of either subsection (b)(4),

1 or subsection (b) (5), or subsection (b) (6). The Court has read the
2 papers she submitted. There is nothing in them indicating she is even
3 arguably eligible for relief under one of those subsections. As a
4 result, it would be futile to appoint an attorney. Her motion for
5 reconsideration must be denied.

6 **IT IS HEREBY ORDERED:**

7 1. Ms. Sullivan's motion for appointment of counsel (**Ct. Rec. 18**)
8 is **denied**.

9 2. Ms. Sullivan's motion for reconsideration (**Ct. Rec. 18**) is
10 **denied**.

11 3. Ms. Sullivan shall not file another motion for reconsideration
12 in this case.

13 **IT IS SO ORDERED.** The District Court Executive is hereby
14 directed to enter this order and furnish copies to the plaintiff and
15 to counsel for the defendants.

16 **DATED** this 17th day of February, 2010.

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18 s/ Fred Van Sickle
Fred Van Sickle
19 Senior United States District Judge
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